



*OLD VALUES - NEW HORIZONS*  
**COMMUNITY DEVELOPMENT**

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**Planning Board Approved Minutes**

July 1st, 2020

7:00 pm at Community Development Meeting Room & Zoom Video Conference  
3 North Lowell Road

**Attendance:**

Chair, Derek Monson, Present  
Vice Chair, Alan Carpenter, Seated at 7:06, via Zoom video conference  
Joe Bradley, Present  
Jennean Mason, Present  
Ruth-Ellen Post, Present, via Zoom video conference  
Jacob Cross, Present, via Zoom video conference  
Matt Rounds (alternate), Excused  
Gabe Toubia (alternate), Present, excused at 8:38  
Tom Early (alternate), Excused  
Heath Partington, Board of Selectmen liaison, Present, via Zoom video conference  
Dick Gregory- Planning Board Director  
Renee Mallett- Minute Taker

The meeting opened at 7:03 with the Pledge of Allegiance and the introduction of members. On March 23<sup>rd</sup>, because of the Covid-19 pandemic, Governor Sununu created Emergency Order #12. This has relaxed the requirements of RSA 91-A, III(c) and allowed the meeting to be held while still following the CDC guidelines for social distancing and the Governor's restrictions on gathering of more than 10 people. As such many of the board members took part in the meeting via Zoom video conference. The public was given a phone conference number with which to comment or ask questions while the meeting was in session.

**Vice Chair Carpenter was seated at 7:06**

The board began with a review of the letters and forms to be used by the CIP. Mr. Partington said he had received feedback that last years' increase from a \$75,000 threshold to \$100,000 was difficult for some budgets. Mr. Gregory said that the CIP themselves were very happy with the increase. Ms. Mason said that they would be meeting with them the next evening and could discuss it with the sub-committee. Making Master Plan funding a CIP expense was raised. Ms. Post said this had been attempted in previous years and had been discouraged.

**Case 2020-15, WWPD Special Permit (lot 11-A-1620), 53 Blossom Road, Rural District & WWPD**

Mr. Joseph Maynard representing this application to build a pool and amenities in the WWPD. A variance has been granted. Mr. Maynard explained the history of the lot, which was created in the 1980s, subdivided in 2012, and subject of a lot line adjustment in 2019. Mr. Maynard said that when the lot was created it did not show the WWPD on the plan and that the yard has been cleared and maintained since that time. He did not want to put signage along the edge of the WWPD as it would cut across the middle of the yard and proposed pool.

**Mr. Bradley made a motion to open Case 2020-15. Ms. Mason seconded the motion. The motion passed with the following roll-call vote:**

**Chair Monson, aye**

**Vice Chair Carpenter, aye**

**Mr. Bradley, aye**

**Ms. Mason, aye**

**Ms. Post, aye**

**Mr. Cross, aye**

**Mr. Partington, aye**

Mr. Partington asked if the Conservation Committee had weighed in on this application. Mr. Maynard said that the presented plan reflected their comments, namely that the pool shed be moved to the other side to push it further from the WWPD and the addition of underground retention for run off from the pool discharge.

Vice Chair Carpenter asked about the slope of the lot. He was told it had a gradual slope to the right. Vice Chair Carpenter said he would like to see vegetation planted between the pool and the wetlands to slow the drainage of pool water. He said he would like this to be something more natural than a loamed and seeded lawn that would require irrigation. Ms. Post concurred that she would like to see this kind of additional mitigation.

Chair Monson asked where the runoff from the driveway goes currently. Mr. Maynard said it sheets off to the wetlands.

Mr. Cross said that the plan was as good as it was going to get as the land already sends all drainage from the lot into the wetlands and that the salt-based pool was better than a chlorine one.

Ms. Post said that the WWPD was getting eaten away over and over. Environmentally it all adds up over time. She felt there were reasonable, simple things that could be done to mitigate the drainage such as the plantings suggested by Vice Chair Carpenter.

Mr. Toubia agreed that it seemed like the ZBA was quick to grant waivers. He suggested that the Planning Board might want to meet with them to get a better understanding of their criteria for issuing variances. He asked if the salt water from the pool might damage any landscaping requested by the board.

Vice Chair Carpenter reminded the board that just because they approved the plan with a saltwater pool did not mean that it would always be saltwater. He said the board did not have a way to require and ensure that the pool remained salt based. He said the board needed to plan for the worst-case scenario.

**Chair Monson opened the session to public comment.**

Kyle Guilmet, the applicant, addressed the board. He said he was trying to go by the book but that the process had been too lengthy and expensive. He said they had already added \$3,000 to the project by putting in the catch system for the pool water, which had been suggested by the Conservation Committee.

Mr. Bradley asked about the landscape border that the board had been debating. Mr. Guilmet said he would prefer a flat lawn for a view of the woods from the pool area.

**Chair Monson closed the session to public comment.**

Vice Chair Carpenter stressed the importance of water quality and quantity in a town that depends on well water.

**Vice Chair Carpenter made a motion to approve Case 2020-15 with the condition that the two sides of the pool that border the WWPDP have a 5-foot vegetative buffer along the perimeter. Ms. Post seconded the motion. The motion passed with the following roll-call vote:**

**Chair Monson, aye**

**Vice Chair Carpenter, aye**

**Mr. Bradley, aye**

**Ms. Mason, aye**

**Ms. Post, aye**

**Mr. Cross, aye**

**Mr. Partington, aye**

**Case 2020-14, Minor Site Plan Application (lot 17-I-300) 1-6, 9, 11, 13, 14, 16, 18, 20, 22 & 24 Chadwick Circle, Rural District & WWPDP & WPOD**

Mr. Shayne Gendron representing in this application to amend the site plan at Chadwick Circle to remove a community mailbox, associated parking, and a community garden. Mr. Gregory confirmed the application was complete and appropriate.

**Mr. Cross recused himself from the case as his mother lived at Chadwick Circle and served on their board. Mr. Toubia was seated for Mr. Cross for the duration of the case.**

Mr. Partington disagreed that the application was complete saying that there was no zoning shown on the plan, there was no plan showing what would go in place of the removed structures, the plan had not gone to TRC, and that Historic had not been notified despite the parcel appearing on the Historic Cultural Resource List.

Mr. Gendron said that the application could be re-submitted if needed but that the plan was only to remove structures, not add any. He said that the existing pavement was porous so there would be no change to impervious surfaces by removing it.

**Vice Chair Carpenter made a motion to open Case 2020-14 for discussion, to give Mr. Gendron direction for resubmitting. Ms. Mason seconded the motion. The motion passed with the following roll-call vote, and Mr. Partington opposed as there was not a complete plan submitted:**

**Chair Monson, aye**

**Vice Chair Carpenter, aye**

**Mr. Bradley, aye**

**Ms. Mason, aye**

**Ms. Post, aye**

**Mr. Toubia, aye**

**Mr. Partington, opposed**

136 Much of the board discussion centered around the removal of the community garden. Chair  
137 Monson said that the plan had received density bonuses when it was originally approved because of the  
138 garden. Mr. Bradley said that at least one resident had opposed its removal and that residents had bought  
139 into the development with the understanding that the garden was one of the benefits.

140 Ms. Post wanted more information on what would be taking the place of the removed items.  
141

142 **Chair Monson opened the session to public comment.**  
143

144 Roxanne Winslow, resident of Chadwick Circle and co-chair of the condo association, said residents  
145 just wanted grass and landscaping in place of the removed structures. She said the community garden was  
146 not used and was currently overgrown.  
147

148 Jacob Cross, speaking as a resident and not as a board member, said that the community garden  
149 was like a jungle and hard to get to. He said it was a no-brainer to approve the application to remove it.  
150

151 **Chair Monson closed the session to public comment.**  
152

153 Mr. Gendron further clarified that the one resident who had been in favor of keeping the  
154 community garden in the 2019 survey has since added a garden plot to their own property. As of a 2020  
155 survey no residents were in favor of keeping the garden.

156 Chair Monson said that the community garden was a condition of approval and density bonuses  
157 and needed to be replaced with something comparable. He said that the porous pavement that had been  
158 part of the approval was also not complete. Mr. Bradley said some other kind of recreation needed to  
159 replace the garden.  
160

161 **Vice Chair Carpenter made a motion to continue Case 2020-14 to July 15, 2020, 7:00pm. Mr.**  
162 **Toubia seconded the motion. Vice Chair Carpenter amended the motion to include the condition that TRC**  
163 **would be notified to review the case, at Mr. Partington suggestion, and Mr. Toubia said his second still**  
164 **stood. The motion passed with the following roll-call vote:**

165 **Chair Monson, aye**

166 **Vice Chair Carpenter, aye**

167 **Mr. Bradley, aye**

168 **Ms. Mason, aye**

169 **Ms. Post, aye**

170 **Mr. Toubia, aye**

171 **Mr. Partington, aye**  
172

173 **Mr. Cross was reseated at 8:36pm for the duration of the meeting.**  
174

175 **Case 2020-13, Minor Final Subdivision Approval (lot 7-A-3000 & 3005) 67 &**  
176 **69 Searles Road, Rural District & WWP**

177 Mr. Doug McGuire representing this lot line adjustment. Mr. Gregory said the application was  
178 complete and appropriate.  
179

180 **Mr. Toubia excused himself from the meeting at 8:38**  
181

Mr. Partington said that the application was past the 30-day deadline and that no determination had been made as to if the parcel met zoning requirements. Mr. McGuire said that the two lots were both existing of record and that they were conforming.

**Vice Chair Carpenter made a motion to open Case 2020-13. Mr. Cross seconded the motion. The motion passed with the following roll-call vote:**

**Chair Monson, aye**

**Vice Chair Carpenter, aye**

**Mr. Bradley, aye**

**Ms. Mason, aye**

**Ms. Post, aye**

**Mr. Cross, aye**

**Mr. Partington, aye**

Mr. McGuire said that when the parcel at 67 Searles was developed the angle was set incorrectly. This application is meant to correct that mistake by assigning a small triangle shaped parcel to the home that it sits directly behind. This will also clear up the issue of a shed that has inadvertently encroached on the neighboring parcel. He said both lots were conforming, and that Mr. Gregory had made the determination that the zoning was appropriate.

Discussion followed on the shed, which would meet the proper setbacks after the lot line adjustment, but which was larger than allowed. Mr. Gregory said that the issue of the shed would fall under the purview of the ZBA and that the planning board had no mechanism in place with which to allow it.

**Chair Monson opened and closed the session to public comment.**

**Vice Chair Carpenter made a motion to approve Case 2020-13 as presented. Mr. Cross seconded the motion. The motion passed with the following roll-call vote:**

**Chair Monson, aye**

**Vice Chair Carpenter, aye**

**Mr. Bradley, aye**

**Ms. Mason, aye**

**Ms. Post, aye**

**Mr. Cross, aye**

**Mr. Partington, aye**

## **MS4 Stormwater Regulations**

The consultant hired to help with the stormwater regulation amendments was going to review the suggestions made by Chair Monson regarding enforcement. At this time, the board needed to approve the amendments as already presented in order to meet the deadline.

Ms. Post called the amendments much more comprehensive and cohesive than what was already existing. But, she added, they did not cover everything that was currently covered in the stormwater regulations. She cited the language that said the regulations would not apply to anything under 10,000 square feet, to private roads, etc. She asked if these amendments would be in addition to the existing regulations or if they were a replacement.

Mr. Gregory said that the amendments would be a replacement. Chair Monson said they also did not address notification in the case of spills. Ms. Post suggested that they be adopted in addition to and that a rider be placed in the regulations stating that where they conflicted the more stringent of the regulations would apply.

Mr. Gregory said the newly adopted WPOD ordinance would cover most of the items raised by the board. He suggested the amendments be adopted as section B-1.

**Mr. Bradley made a motion to adopt the presented stormwater regulation standards to the site plans and subdivision regulations. Ms. Mason seconded the motion. After brief discussion Mr. Bradley amended the motion to say the regulations would replace, not be added to, the existing regulations. The motion passed with the following roll-call vote:**

**Chair Monson, aye**

**Vice Chair Carpenter, aye**

**Mr. Bradley, aye**

**Ms. Mason, aye**

**Ms. Post, aye**

**Mr. Cross, aye**

**Mr. Partington, aye**

### **Old/New Business**

The board reviewed Mr Keach's inspection of some in process sub-divisions. Vice Chair Carpenter said that a culvert at the end of Emerson Road had not been built, as was a condition of the approval of the Simpson's Crossing development. Mr. Gregory said this culvert was not on the notice of approval or on the plan. Vice Chair Carpenter said he would review the matter because a box culvert was meant to be installed.

Chair Monson said he would like to see the checklist approved previously by the board used going forward. Mr. Cross agreed and said that items that were not applicable should be marked thusly instead of deleted from the checklist on an application by application basis.

Mr. Partington brought an invite from the Board of Selectmen to the board to discuss master plan funding. The board will discuss specifics and appoint two board members to do so at the next workshop. Mr. Partington also asked for an update regarding conflicts in the change of use regulations in the zoning and site plan regulations.

Mr. Cross asked that the drought be discussed by the board. He also suggested that workshops utilize time boxing to keep discussions pertinent. Mr. Partington said the drought was under the purview of the Board of Selectmen and that they would be discussing it at the next meeting.

Chair Monson said that Low Impact Development had been adopted by the board but that it did not show up online. Mr. Gregory said that Covid-19 had impacted staff hours and that it would be added shortly.

**Mr. Cross made a motion to approve the minutes of 3/23/2020. Vice Chair Carpenter seconded the motion. The motion passed, 7-0, with the following roll call vote:**

**Chair Monson, aye**

**Vice Chair Carpenter, aye**

**Mr. Bradley, aye**

**Ms. Mason, aye**

**Ms. Post, aye**

**Mr. Cross, aye**

**Mr. Partington, aye**

278  
279           **Ms. Mason made a motion to approve the minutes of 4/29/2020, with the amendment that lines**  
280 **157/158 be edited to show that the applicant had been told the process order for approval, not Ms.**  
281 **Mason. Mr. Bradley seconded the motion. The motion passed, with Ms. Post abstaining, with the**  
282 **following roll call vote:**  
283           **Chair Monson, aye**  
284           **Vice Chair Carpenter, aye**  
285           **Mr. Bradley, aye**  
286           **Ms. Mason, aye**  
287           **Ms. Post, abstain**  
288           **Mr. Cross, aye**  
289           **Mr. Partington, aye**  
290  
291           **Vice Chair Carpenter made a motion to adjourn the meeting at 10:06pm. Ms. Mason seconded**  
292 **the motion. The motion passed 7-0 with the following roll-call vote:**  
293           **Chair Monson, aye**  
294           **Vice Chair Carpenter, aye**  
295           **Mr. Bradley, aye**  
296           **Ms. Mason, aye**  
297           **Ms. Post, aye**  
298           **Mr. Cross, aye**  
299           **Mr. Partington, aye**